

Sep 27, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-3042-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 21. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, update the medical records, and issue a new decision. The ALJ shall: (1) reconsider the opinion evidence of record, including opinions from state agency

1 medical reviewers and Dr. Herring, as well as the lay opinions; (2) evaluate
2 Plaintiff's symptoms pursuant to Social Security Ruling (SSR) 16-3p; (3)
3 reevaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p; and (4) if
4 warranted, obtain vocational expert evidence to reevaluate steps four and five of
5 the sequential evaluation process and consider that evidence pursuant to SSR 00-
6 4p. The ALJ may take any other actions necessary to develop the record, and
7 Plaintiff may present additional testimony and submit additional evidence.

8 2. **Judgment shall be entered for PLAINTIFF.**

9 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is
10 **STRICKEN AS MOOT.**

11 4. An application for attorney fees may be filed by separate motion.

12 The District Court Executive is directed to enter this Order, forward copies
13 to counsel, and **CLOSE THE FILE.**

14 DATED September 27, 2018.



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A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE